

## § 90.61

## 28 CFR Ch. I (7–1–15 Edition)

are established by 42 U.S.C. 3796hh *et seq.*

### § 90.61 Definitions and grant conditions.

(a) *In general.* For purposes of this subpart, the definitions and grant conditions in 42 U.S.C. 13925 apply.

(b) *Unit of local government.* For the purpose of this subpart, a unit of local government is any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State. The following are not considered units of local government for purposes of this subpart:

- (1) Police departments;
- (2) Pre-trial service agencies;
- (3) District or city attorneys' offices;
- (4) Sheriffs' departments;
- (5) Probation and parole departments;
- (6) Shelters;
- (7) Nonprofit, nongovernmental victim service providers; and
- (8) Universities.

### § 90.62 Purposes.

(a) Purpose areas for the program are provided by 42 U.S.C. 3796hh(b).

(b) Grants awarded for these purposes must demonstrate meaningful attention to victim safety and offender accountability.

### § 90.63 Eligibility.

(a) *Eligible entities.* Eligible entities are described in 42 U.S.C. 3796hh(c).

(b) *Certifications*—(1) *State, local, and tribal governments.* State, local, and tribal government applicants must certify that they meet the requirements of 42 U.S.C. 3796hh(c)(A)–(E) or that they will meet the requirements by the statutory deadline.

(2) *Courts.* Court applicants must certify that they meet the requirements of 42 U.S.C. 3796hh(c)(C)–(E) or that they will meet the requirements by the statutory deadline.

(3) *State, tribal, or territorial domestic violence or sexual assault coalitions or victim service providers.* Applicants that are domestic violence or sexual assault coalitions or other victim service providers must partner with a State, local, or tribal government. The partner government must certify that it meets the requirements of 42 U.S.C. 3796hh(c)(A)–

(E) or that it will meet the requirements by the statutory deadline.

(4) *Letters.* Eligible applicants or partners must submit a letter with proper certifications signed by the chief executive officer of the State, local government, or tribal government participating in the project, in order to satisfy these statutory requirements. OVW will not accept submission of statutes, laws or policies in lieu of such a letter.

(c) *Partnerships*—(1) *Governments and courts.* All State, local, and tribal government and court applicants are required to enter into a formal collaboration with victim service providers and, as appropriate, population specific organizations. Sexual assault, domestic violence, dating violence, or stalking victim service providers must be involved in the development and implementation of the project. In addition to the requirements of 42 U.S.C. 13925, victim service providers should meet the following criteria:

(i) Address a demonstrated need in their communities by providing services that promote the dignity and self-sufficiency of victims, improve their access to resources, and create options for victims seeking safety from perpetrator violence; and

(ii) Do not engage in or promote activities that compromise victim safety.

(2) *Coalitions and victim service providers.* All State, tribal, or territorial domestic violence or sexual assault coalition and other victim service provider applicants are required to enter into a formal collaboration with a State, Indian tribal government or unit of local government, and, as appropriate, population specific organizations.

### § 90.64 Speedy notice to victims.

(a) *In general.* A State or unit of local government shall not be entitled to 5 percent of the funds allocated under this subpart, unless the State or unit of local government certifies that it meets the requirements regarding speedy notice to victims provided in 42 U.S.C. 3796hh(d).

(b) *Units of local governments.* (1) Units of local government grantees may certify based on State or local law, policy, or regulation.

(2) In the event that a unit of local government does not have authority to prosecute “crime[s] in which by force or threat of force the perpetrator compels the victim to engage in sexual activity[.]” the unit of local government may submit a letter from an appropriate legal authority in the jurisdiction certifying that the jurisdiction does not have the authority to prosecute “crime[s] in which by force or threat of force the perpetrator compels the victim to engage in sexual activity” and that therefore the certification is not relevant to the unit of local government in question.

**§ 90.65 Application content.**

(a) *Format.* Applications from eligible entities must be submitted as described in the relevant program solicitation developed by the Office on Violence Against Women and must include all the information required by 42 U.S.C. 3796hh–1(a).

(b) *Certification.* Each eligible applicant must certify that all the information contained in the application is correct. All submissions will be treated as a material representation of fact upon which reliance will be placed, and any false or incomplete representation may result in suspension or termination of funding, recovery of funds provided, and civil and/or criminal sanctions.

**§ 90.66 Evaluation.**

(a) Recipients of Arrest Program funds must agree to cooperate with federally-sponsored research and evaluation studies of their projects at the direction of the Office on Violence Against Women.

(b) Grant funds may not be used for purposes of conducting research or evaluations. Recipients of Arrest Program funds are, however, strongly encouraged to develop a local evaluation strategy to assess the impact and effectiveness of their projects. Applicants should consider entering into partnerships with research organizations that are submitting simultaneous grant applications to the National Institute of Justice or other research funding sources for this purpose.

**§ 90.67 Review of applications.**

The provisions of 42 U.S.C. 3796 *et seq.* and this subpart provide the basis for review and approval or disapproval of applications and amendments in whole or in part.

**Subpart E [Reserved]**

**PART 91—GRANTS FOR CORRECTIONAL FACILITIES**

**Subpart A—General**

Sec.

- 91.1 Purpose.
- 91.2 Definitions.
- 91.3 General eligibility requirements.
- 91.4 Truth in Sentencing Incentive Grants.
- 91.5 Violent Offender Incarceration Grants.
- 91.6 Matching requirement.

**Subpart B—FY 95 Correctional Boot Camp Initiative**

- 91.10 General.

**Subpart C—Correctional Facilities on Tribal Lands**

- 91.21 Purpose.
- 91.22 Definitions.
- 91.23 Grant authority.
- 91.24 Grant distribution.

**Subpart D—Environmental Impact Review Procedures for VOI/TIS Grant Program**

IN GENERAL

- 91.50 Purpose.
- 91.51 Policy.
- 91.52 Definitions.
- 91.53 Other guidance.

APPLICATION TO VOI/TIS GRANT PROGRAM

- 91.54 Applicability.
- 91.55 Categorical exclusions.
- 91.56 Actions that normally require the preparation of an environmental assessment.
- 91.57 Actions that normally require the preparation of an environmental impact statement.

ENVIRONMENTAL REVIEW PROCEDURES

- 91.58 Timing of the environmental review process.
- 91.59 OJP’s responsibilities.
- 91.60 Grantee’s responsibilities.
- 91.61 Subgrantee’s responsibilities.
- 91.62 Preparing an Environmental Assessment.
- 91.63 Preparing an Environmental Impact Statement.